

## M E M O R A N D U M

**Date:** February 18, 2010  
**To:** Transfer 76221 File  
**From:** Jana Reeder  
**Re:** Evaluation of Sufficiency of Information Submitted

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Water right 37-1228E was split up front to form water rights 37-22488 and 37-22489. This transfer proposes moving a 1.0 acre portion of water right 37-22488 into a new 31.0 acre permissible place of use. The new permissible place of use is located approximately 1.2 – 1.5 miles south and 1.0 mile west of the center of Bellevue. 0.07 cfs of water from Townsend Gulch will be diverted from an existing diversion located within the proposed permissible place of use approximately 0.2 miles downstream of the currently authorized point of diversion. The point of diversion and property all fall within the jurisdiction of WD 37, so watermaster comments will be needed.

Note, there was some concern expressed by State Office staff about possible injury caused by moving a diversion point downstream in a possible gaining reach. An examination of Townsend Gulch water right records revealed that there are no rights junior to the right involved in this transfer that divert from Townsend Gulch downstream of the proposed diversion so possible injury should not be an issue.

- **Authority to File:**  
The applicant is listed as the present owner of right 37-1228E (Parent of 37-22488 & 37-22489) on IDWR records.
- **Water Right Validity:**  
Right 37-1228E (Parent) was decreed in the SRBA on 1/28/2010. 2005 Landsat Imagery aerial photos of the area indicates the apparent irrigation of the acre being transferred so forfeiture does not appear to be an issue.
- **Injury to Other Water Rights:**  
None anticipated. No junior rights downstream of new authorized point of diversion.
- **Enlargement of Use:**  
None anticipated.
- **Local Public Interest:**  
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**  
Proposed uses are recognized as beneficial uses of water.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.**